

**BOARD OF SELECTMEN
MEETING MINUTES
DECEMBER 18, 2006
APPROVED**

Present: Peter S. Cunningham, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball, Clerk; Mihran Keoseian, Member; Joshua Degen, Member; Jeff Ritter, Interim Administrative Officer and Kathy Newell, Office Assistant.

Chairman Cunningham called the meeting to order at 7:00 p.m. Mr. Cunningham reviewed the evening's agenda and offered season's greetings and holiday good wishes.

John Estabrook, Maintenance Supervisor RE: Hours for Custodian II Position (Request for Exemption from Hours Under the Provisions of Article VII, Section III of the SEIU Contract)

Mr. Estabrook reviewed his request for an exemption from the contract hours of operation stating that the custodian who cleans Town Hall works off hours because the scale of work done is intrusive to the residents of the building i.e. odors, noise, interruptions.

Mr. Estabrook stated that Chapter VII, Section 3 pertains to all the employees in his department for snow call backs. The Senior Center is a shelter and needs to be open and accessible. Mr. Estabrook stated that three employees have hours when there are people in their assigned buildings and it is hard to put the hours between 7:30 a.m. – 5:00 p.m. Mr. Estabrook stated that the exemption would cut down on call backs and extra hours. He further stated that they are not town hall employees as they do not have an office in the Town Hall. Mr. Estabrook reviewed the hours worked: Mr. Higgins starts at 7:00 a.m. on the days he works at the Lost Lake fire station and 7:30 on the other days and works until 11:00 or 11:30 respectively. Ms. Barr works between the hours of 2:00 a.m. – 6:00 a.m. for a total of 17 hours per week. Mr. Estabrook works from 8:00 a.m. – 4:00 p.m. Monday –Thursday. Ms. Walsh works 40 hours per week.

Mr. Cunningham stated that the positions are covered by the bargaining unit including the position of Custodian II who works the early mornings. He further stated that he agreed that the custodial services are best done outside the office hours of the town hall employees.

Mr. Keoseian stated that he was unhappy the request had been brought before the board and not resolved through the Interim Administrative Officer. Mr. Keoseian addressed the request stating Mr. Estabrook was asking to work within the time environment that works best for his department and he would support what works to get the job done.

Mr. Cunningham asked if the issue of hours of operation came up during negotiations. Mr. Keoseian stated that it was discussed, but did not get nailed down in the process.

Mr. Dillon stated that he disagreed with the letter from the SEIU; Section 2 addresses the Library specifically and Section 3 addressed all other town hall employees and it does apply. During the negotiations it was deemed that there may need to be some changes and there is a mechanism in place for addressing the need. Mr. Dillon stated that other areas are covered by emergency i.e. snow removal.

Mr. Saball asked if all the information was discussed with the Interim Administrative Officer. Mr. Ritter stated that he and Ms. Currier had met with Mr. Estabrook and the employee in question to see if she could fit her work into the core hours of operation. Mr. Ritter stated that it was addressed and was unresolved; therefore it was before the Board.

Mr. Degen stated that he was trying to be pragmatic as he was not involved with the formation of the union and was trying to look at it from the view of the employees ratifying the contract. Mr. Degen stated that he would not want the work to be interruptive to the employees and it would be advantageous to have the custodial services performed outside the hours of operation and because of the obtrusive nature of the work, he would think an exemption may be warranted.

Mr. Cunningham stated that there needs to be consistency in whatever the Board does. Mr. Cunningham stated that most custodial tasks take place when people are not in the building. There are two issues before the Board, the Custodian in Town Hall and the entire department.

Mr. Dillon stated that the contract does not preclude changing the schedule, it does allow for schedules to be changed; the language raises the level where there needs to be justification.

Mr. Keoseian stated that the two issues would be addressed separately.

Mr. Saball stated that there is a mechanism for going to the Interim Administrative Officer and these types of decisions belong with that position.

Mr. Ritter stated that a resolution could not be accomplished and if the Board so chooses it could designate authority to the Interim Administrative Officer.

Mr. Dillon stated that he would like to designate the IAO and send the matter back for resolution. Mr. Cunningham stated that the IAO would need to be given direction. Mr. Dillon noted that there was a necessity of having things done at other times than when the building is occupied and also to look at the necessity of the position or desire of the employee. Mr. Cunningham asked that any decisions be based on what is important to the job and not personal desires.

Mr. Saball stated that he was not sure if there was a consensus of the Board to give the IAO direction.

Mr. Degen stated that currently there was Mr. Estabrook's and a subsequent request from the Town Clerk before the Board and he felt the Board should address their concerns as a Board and give direction to the IAO.

Mr. Keoseian stated that he would think that both parties had made their arguments and he would like to address the matter before the Board.

*Mr. Dillon moved to approve an exemption to the Article VII, Section III, Working Hours, of the SEIU Contract for the Custodian II position, specifically from 3:00 a.m. to 6:30 a.m. Monday – Friday, *all other items in Section III remain in effect and **without prejudice or precedent if voted in the affirmative. Seconded by Mr. Saball. 2 in favor (Cunningham and Keoseian), 3 opposed (Dillon, Saball Degen).*

**Amended by Mr. Dillon. ** Amended by Mr. Keoseian*

Mr. Saball stated he thought that the Board had someone capable in the IAO position and he would not support the motion.

Mr. Dillon stated that he would support, but would like there to be continued discussion. Although he thought it was accommodating the person instead of the position.

Mr. Cunningham stated that this did not preclude Mr. Estabrook from meeting with the IAO to seek a resolution.

Onorina Maloney, Town Clerk RE: Evening and Saturday Hours for the Town Clerk's Office (Request for Exemption from Hours of Work Under the Provisions of the SEIU Contract)

Ms. Maloney reviewed the hours of operation for office of the Town Clerk and stated that they have had the same hours for the past seven years; most duties are mandated by state law and passports are a good source of revenue.

Mr. Saball stated that he appreciates the employees in the office and Ms. Maloney, but the issue should be properly addressed by the IAO and he would defer to the IAO.

Mr. Dillon stated that based on discussions with Mr. Ritter and Ms. Currier it was recommended there be a trial period through March and upon the conclusion a report is given as to the productivity of the office.

Mr. Cunningham asked how the hours can be changed under the contract without setting a precedent.

Mr. Dillon stated that there would need to be a higher level to change schedules. A history of what has taken place i.e. services provided, levels of service.

Mr. Cunningham asked if Ms. Maloney had any statistics. Ms. Maloney stated that over the past eight months \$11,000 has been generated in passports on Saturdays and Monday evenings.

Mr. Degen stated that without these hours it would be difficult for people working traditional hours to get a passport or

conduct business with the Town Clerk's office.

Mr. Keoseian stated that this was another example of need for the Board to look with a wider lens and we need to support greater customer need. Mr. Keoseian stated that he would support the request and amended without prejudice or precedent.

Mr. Dillon stated that the negotiating team had not specifically overlooked the ability to change the schedule; all schedule changes could not be addressed in the contract.

Mr. Saball noted that a trial period had been suggested, and he asked what would be the determining factor.

Mr. Cunningham stated the levels of service provided. Mr. Dillon stated it would help establish credibility of the contract and that the change is being effected for good reason.

Ms. Maloney noted that the office needs to be open until 8:00 p.m. for Town Meetings and Elections registration.

Mr. Dillon moved to approve a temporary exemption to the Article VII, Section III, Working Hours, of the SEIU Contract for the Office of the Town Clerk; Monday evening until 7:00 p.m. and every other Saturday from 9:00 a.m. – Noon. (September – June) and further the Town Clerk will report back to the Board of Selectmen in four months; without prejudice and precedent. Seconded by Mr. Saball. 4 in favor, 1 opposed (Saball).

The Board signed documents for the Surrenden Farm closing as witnessed by the Town Clerk.

Board of Health RE: Lyme Disease Update

Dr. Susan Horowitz, Mr. Jason Weber and Mr. Robert Hanninen were present for this portion of the meeting.

Dr. Horowitz stated that Mr. Degen had requested that the Board of Health update the Board and public regarding Lyme disease.

Dr. Horowitz stated that the Department of Health recommendations need to be followed to help prevent people and pets from contracting Lyme's disease. Dr. Horowitz stated that only preventative measures can be taken i.e. use of DEET products, regular tick checks of children and pets, wearing of light coloring clothing, long sleeves. Dr. Horowitz reviewed the products available for pets and the correct way to treat for ticks.

Mr. Degen stated that he had requested the update to alert people to the danger of the disease and shared that his youngest child had contracted the disease.

Joseph Darmanin RE: Class II License Application, 11 Town Line Road

Mr. Dillon noted that the by-law requires access on the property for a repair facility. Mr. Darmanin stated that he was using Bob's in Fitchburg, a mechanic in Shirley and also a mechanic in Waltham.

Mr. Cunningham asked that Mr. Darmanin supply the Board with a list of the facilities used.

Mr. Degen asked if Mr. Darmanin was purchasing the business from another individual and if he had participated in this type of business before. Mr. Darmanin stated that he was purchasing the business and he has owned a 4 car dealership in Waltham for the past year.

Mr. Dillon moved to approve a Class II License for Joseph R. Darmanin, d.b.a. Town Line Auto at 11 Town Line Road conditional on Zoning Board of Appeals, Case #30-06, conditions as filed with the Town Clerk on November 28, 2006, contingent upon receipt of a list of repair facilities by the Board of Selectmen. Seconded by Mr. Saball. Unanimous vote.

Attorney Robert Collins RE: Conservation Restriction, Deerhaven Subdivision and Conservation Restriction Baddacook Pond - Bob Kiley

Attorney Collins stated that there has been a delay on the Baddacook Pond Conservation Restriction and would call the office to request a time on the January 2nd agenda.

Attorney Collins reviewed the history of the Deerhaven Subdivision property stating it is an important parcel which connects the trail network. The conservation restriction has been reviewed and approved by Town Counsel.

Mr. Dillon moved to accept a Conservation Restriction and Conservation Easement for premises owned by Fox Meadow Realty Corp. located in the Town of Groton, Massachusetts, situated in Groton, being shown as Parcel "C" on a plan entitled "Plan of Land of Deerhaven Subdivision in Groton, Mass." R. Wilson and Associates, Land Surveyors and Civil Engineers, dated January 28, 1997, which said plan, is duly recorded with the Middlesex South District Registry of Deeds as Plan #1367 of 1997 in Book 28005 at Page 187, (hereinafter referred to as "the Plan"). Parcel C is composed of 22.24 acres (hereinafter referred to as "the Premises"), and is a portion of the property described in a deed re corded in Book 26854 at Page 531. Said Premises are subject to Easements reserved by the Grantor relative to the common septic system located on Parcel C and are also shown more particularly on Plan 974 of 2001 in Book 33711 at Page 582 (hereinafter referred t as "the Easement Areas"). Seconded by Mr. Saball. Unanimous vote.

Attorney Collins asked to speak regarding Joy Lane stating that he had given Mr. Ritter the originals. Mr. Cunningham stated that he felt comfortable with the agreement between the Town and Groton School for the relocation of Joy Lane should the town exercise development rights.

Agricultural Commission Appointments

Mr. George Moore, Mr. Ned O'Neil, Mr. Steve Moulton, Mr. John Smigelski and Ms. Sally Smith were present for this portion of the meeting.

Mr. Dillon moved to appoint George Moore to the Agricultural Commission for the three-year term, term to expire June 30, 2009. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to appoint Ned O'Neil to the Agricultural Commission for the three-year term, term to expire June 30, 2009. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to appoint Steve Moulton to the Agricultural Commission for the two-year term, term to expire June 30, 2008. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to appoint John Smigelski to the Agricultural Commission for the two-year term, term to expire June 30, 2008. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to appoint Sally Smith to the Agricultural Commission for the one-year term, term to expire June 30, 2007. Seconded by Mr. Saball. Unanimous vote.

OTHER BUSINESS

Surrenden Farm Project Update

Mr. Cunningham stated that the closing was the following day. Mr. Cunningham suggested an agenda item (after the first of the year) of creating a group to explore the uses of the area and it wouldn't need to be a weekly meeting. Mr. Cunningham stated that the project is on track and in good shape. He congratulated all who worked so hard on the project.

Declare as Surplus Property – Copier (5Q529)

Mr. Dillon moved to declare the Town Hall Copier (5Q529) as surplus. Seconded by Mr. Saball. Unanimous vote.

Request for One-Day Liquor License, Nashoba Valley Chamber of Commerce, Tuesday, March 27, 2007, 5:30-7:30 p.m.

Mr. Dillon moved to approve a One-Day Liquor License for All Alcohol for Melissa Fetterhoff on behalf of Nashoba Valley Chamber of Commerce on Tuesday, March 27, 2007 from 5:30 p.m. to 8:00 p.m. at Lawrence Academy, 1 Powderhouse Road, Groton, Mass, contingent upon receipt of Certificate of Insurance listing the Town of Groton as additional insured and the license fee of \$50.00. Seconded by Mr. Saball. Unanimous vote.

Appointment – Insurance Advisory Committee – John Senecal

Mr. Dillon moved to appoint John Senecal to the Insurance Advisory Committee for the one-year term, term to expire June 30, 2007. Seconded by Mr. Saball. Unanimous vote.

Appointment – Old Burying Ground Committee – Ken LeFebvre

Mr. Dillon moved to appoint Ken LeFebvre to the Old Burying Ground Committee for the one-year term, term to expire June 30, 2007. Seconded by Mr. Saball. Unanimous vote.

- **Groton Fire Department – Annual “Service Zone Plan” Submission to Office of Emergency Medical Services**

Mr. Dillon moved to designate the Chair signatory for the Service Zone Plan. Seconded by Mr. Saball. Unanimous vote.

- **Designate Interim Administrative Officer as Voting Delegate to the Annual Meeting of the Massachusetts Inter-Local Insurance Association Annual Meeting on Saturday, January 13, 2007**

Mr. Dillon moved to designate Jeff Ritter to be a voting delegate at the Annual Meeting of the Massachusetts Inter-Local Insurance Association Annual Meeting on Saturday, January 13, 2007. Seconded by Mr. Saball. Unanimous vote.

- **Accept Gift of Surplus Property from the Town of Ayer (1986 Chevy Pickup for the Fire Department)**

Mr. Dillon moved to accept a gift of surplus property from the Town of Ayer for the Fire Department, a 1986 Chevy Pickup for the Fire Department VIN#1GCGD34J4GF317066. Seconded by Mr. Saball. 4 in favor, 1 abstention (Saball).

Minutes

Mr. Dillon moved to approve the Regular Session Minutes of July 24, 2006. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Degen and Keoseian).

Mr. Dillon moved to approve the Regular Session Minutes of August 7, 2006. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Saball and Degen).

Mr. Dillon moved to approve the Regular Session Minutes of August 31, 2006. Seconded by Mr. Saball. 34 in favor, 1 abstention (Degen).

Mr. Dillon moved to approve and not release the Executive Session Minutes of July 24, 2006 Session 1. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Degen and Keoseian).

- *Mr. Dillon moved to approve and release the Executive Session Minutes of July 24, 2006 Session 2. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Degen and Keoseian).*

- *Mr. Dillon moved to approve and release the Executive Session Minutes of July 24, 2006 Session 3. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Degen and Keoseian).*

- *Mr. Dillon moved to approve and release the Executive Session Minutes of August 7, 2006 Session 1. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Saball and Degen).*

Mr. Dillon moved to approve and not release the Executive Session Minutes of August 7, 2006 Session 2. Seconded by Mr. Saball. 3 in favor, 2 abstentions (Saball and Degen).

Mr. Dillon moved to approve and not release the Executive Session Minutes of August 31, 2006 Session 1. Seconded by Mr. Saball. 4 in favor, 1 abstention (Degen).

Mr. Dillon moved to approve and not release the Executive Session Minutes of August 31, 2006 Session 2. 4 in favor, 1 abstention (Degen)

Report of the Interim Administrative Officer

Mr. Ritter reviewed his activities of the week.

- MIIA check was received for the loss of the mower.
- Met on Friday with the Prescott School Preservation Committee
- Department Head meeting
- Internal Land Use meeting
- Budget Process – Meeting with Jay Prager to determine the time of the Department Heads meetings
- Will be meeting with Monica Hinjos.
- Goals and objectives are progressing nicely.

- **Selectmen Liaison Reports**

Mr. Degen stated that he had had a discussion with the Attorney who represents the Academy Hill project and they are trying

to get a resolution to the deed on the open space parcel and to comply with the requirements of the filing of the deed. They are hoping the Board of Selectmen will sign off on the restriction before the end of the year and had asked if the Board would be willing to consider meeting on Tuesday, December 26, 2006. Mr. Degen stated that they are willing to make a five-figure contribution to the playing fields. Mr. Dillon stated we should make an effort to accommodate them. Mr. Cunningham stated that if affirmation is received the Board will meet some time the following week.

Mr. Keoseian stated that the School has been bringing in staff to discuss the budget and their target is 14% as a starting rate. Nashoba Valley Technical School starts budget discussions the beginning of the year.

Mr. Dillon stated that he had attended two meetings of the Town Officials and School Committees. The next meeting will be in January.

Mr. Dillon stated that he had attended the Station Avenue Redevelopment meeting at which the traffic plan was reviewed.

Mr. Dillon stated that he, Mr. Keoseian and Mr. Degen had presented a proclamation to Mr. “Winnie” Sherwin last Friday.

Mr. Dillon moved to adjourn at 9:24 p.m. Seconded by Mr. Saball. Unanimous vote.

Approved:

John L. Saball, Clerk

Kathleen Newell

respectfully *submitted*,

Office

Assistant

Date Approved: *January 2, 2007*